

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

**ThinkOptics, Inc.,**

Plaintiff,

v.

**Nintendo of America Inc., *et al.*,**

Defendants.

**No. 6:11-cv-00455-LED**

[Jury trial demanded]

**NINTENDO'S IDENTIFICATION OF PRIOR ART  
PURSUANT TO 35 U.S.C. § 282**

Pursuant to 35 U.S.C. § 282, Nintendo of America Inc. and Nintendo Co., Ltd. (“Nintendo”) hereby submit this identification of prior art to be relied upon for anticipation or obviousness of the asserted patents or to show the state of the art. In addition to the items expressly listed in this notice, Nintendo incorporates by reference its invalidity contentions and all information set forth in the expert reports Nintendo has submitted in this matter, the file histories and reexaminations for each of the asserted patents, and the relevant information from Nintendo’s initial disclosures and trial witness lists and any amendments thereto.

- Japanese Patent Application Kokai Publication No. 2003-208260, with English Translation, by Tei (July 25, 2003);
- Japanese Patent Application Kokai Publication No. H10-228349, with English Translation, by Yamamoto (August 25, 1998);
- Madritsch, Franz, “CCD-Camera Based Optical tracking for Human-Computer Interaction,” Proceedings, The 1st European Conference on Disability, Virtual Reality and Associated Technologies, Maidenhead, UK (July 1996), pp. 161-176;
- Trinder, J.C., “Precision of Digital Target Location,” Photogrammetric Engineering and Remote Sensing, Vol. 55, No. 6 (June 1989), pp. 883-86;
- U.S. Patent No. 5,627,565, by Morishita *et al.* (May 6, 1997);
- The Nintendo Wii remote and game system including the invention thereof, and all prototypes and documents describing said invention. Persons who may be relied upon as the prior inventor or as having prior knowledge of invention include: Akio Ikeda, NCL Employee; Kieza Ohta, NCL employee; Genyo Takeda, NCL employee, Haruki Tojo, NCL employee. Each witness may be contacted through counsel at Perkins Coie, LLP, 1888 Century Park East, 17th Floor, Los Angeles, CA 90067;

- U.S. Patent No. 6,559,935, by Tew (May 6, 2003);
- U.S. Patent Publication No. 2004/0207597, by Marks (October 21, 2004);
- U.S. Patent No. 5,502,568, by Ogawa *et al.* (March 26, 1996);
- U.S. Patent No. 5,227,985, by DeMenthon (July 13, 1993);
- U.S. Patent No. 5,502,568, by Odell (Nov. 12, 1996);
- Bishop, G., Self-Tracker: A Smart Optical Sensor on Silicon, Ph.D. Dissertation, UNC Chapel Hill (1984), pp. 1-13;
- Welch, G., *et al.*, “High Performance Wide Area Optical Tracking: The HiBall Tracking System,” Presence: Teleoperators and Virtual Environments (Feb. 2001) Vol. 10, No. 1, pp. 1-21;
- Allen, B.D. *et al.*, Tracking: Beyond 15 minutes of Thought, Siggraph Course 11 2001, pp. 7-10, 13-63;
- Tsai, R.Y., “A Versatile Camera Calibration Technique for High-Accuracy 3D Machine Vision Metrology Using Off-the-Shelf TV Cameras and Lenses,” RA-3 IEEE J. Robotics and Automation No. 4 (August 1997), pp. 323-344;
- Russ, John C., Handbook of Image Processing (6th ed. 2011), pp. 394-96, 558-60.

Nintendo’s identification of prior art is not a concession or admission of any kind related to any issue, including invalidity. Nintendo’s identification of art does not waive any of the arguments in its currently pending summary judgment motions, including without limitation any and all arguments in its motion for summary judgment of invalidity. Nintendo reserves the right to rely on other documents, publications, patents, or instrumentalities for uses other than as invalidity prior art references, such as, for

example, the background of the technology at issue or motivation to combine.

The disclosure set forth in this notice is strictly for the purposes of the asserted claims in the asserted patents that are presently at issue in this litigation. In the event additional claims or patents become relevant, Nintendo reserves the right to amend this notice accordingly.

June 13, 2014

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document NINTENDO'S IDENTIFICATION OF PRIOR ART PURSUANT TO 35 U.S.C. § 282 was served on June 13, 2014, on all counsel who have consented to electronic service.

/s/ *Grant Kinsel*